

20 DEC 2004



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Gary M. Nath
Nath & Associates, PLLC
1030 15th Street, NW - 6th Floor
Washington, D.C. 20005

In re Application of
PARK

Application No.: 10/500,447

PCT No.: PCT/KR02/02154

Int. Filing Date: 19 November 2002

Priority Date: 19 November 2001

Atty. Docket No.: 26208

For: METHOD FOR PRODUCING A RECOMBINANT:
PROTEIN USING POLLEN

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 June 2004 in the above-captioned application is hereby **GRANTED** as follows:

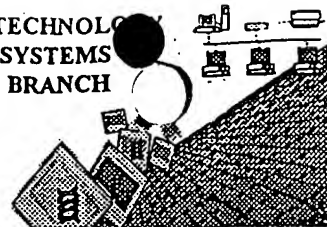
Applicant's statement that "the entire delay in filing this entry into the national phase due 19 May 2004, until the filing of this statement and the attached Petition under CFR 1.137(b) is unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. It is noted that the sequence listing filed 30 June 2004 is defective. A courtesy copy of the "Raw Sequence Listing Error Report" is attached.

As authorized, the \$65.00 surcharge for providing an oath or declaration of the inventors later than thirty months from the priority date will be deducted from Deposit Account No.: 14-0112.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the mailing of "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that a compliant sequence listing is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459



RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/500,447
Source: PCT
Date Processed by STIC: 7/8/04

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 4.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 06/05/04):
U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, Mail Stop Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202

Revised 05/17/04

Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER: 10/500,447

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleics
 Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 Misaligned Amino
 Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 Variable Length Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>.<223> section that some may be missing.
- 6 PatentIn 2.0
 "bug" A "bug" in PatentIn version 2.0 has caused the <220>.<223> section to be missing from amino acid sequences(s) . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>.<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>.<223> sections for Artificial or Unknown sequences.
- 7 Skipped Sequences
 (OLD RULES) Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence
 (2) INFORMATION FOR SEQ ID NO: X: (insert SEQ ID NO where "X" is shown)
 (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
 (xi) SEQUENCE DESCRIPTION: SEQ ID NO: X: (insert SEQ ID NO where "X" is shown)
 This sequence is intentionally skipped
 Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences
- 8 Skipped Sequences
 (NEW RULES) Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence
 <210> sequence id number
 <400> sequence id number
 000
- 9 Use of n's or Xaa's
 (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
 Per 1.823 of Sequence Rules, use of <220>.<223> is MANDATORY if n's or Xaa's are present.
 In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 Invalid <213>
 Response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or
 scientific name (Genus/species). <220>.<223> section is required when <213> response is Unknown, or
 is Artificial Sequence
- 11 Use of <220> Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses.
 Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or
 "Unknown." Please explain source of genetic material in <220> to <223> section.
 (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 PatentIn 2.0
 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file,
 resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence
 listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 Misuse of n/Xaa "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid

AMC - Biotechnology Systems Branch - 09/09/2003

BEST AVAILABLE COPY



PCT

RAW SEQUENCE LISTING

DATE: 07/08/2004

PATENT APPLICATION: US/10/500,447

TIME: 15:49:04

Input Set : A:\sequence-PARK.ST25.txt

Output Set: N:\CRF4\07082004\J500447.raw

3 <110> APPLICANT: PARK, Hee-Sung
 5 <120> TITLE OF INVENTION: Method for producing a recombinant protein using pollen
 7 <130> FILE REFERENCE: 26208 (YLOP040518US/PCT)
 C--> 9 <140> CURRENT APPLICATION NUMBER: US/10/500,447
 C--> 9 <141> CURRENT FILING DATE: 2004-06-30
 9 <150> PRIOR APPLICATION NUMBER: KR 2001-71712
 10 <151> PRIOR FILING DATE: 2001-11-19
 12 <160> NUMBER OF SEQ ID NOS: 6
 14 <170> SOFTWARE: PatentIn version 3.2

Does Not Comply
 Corrected Diskette Needed
 (pg.1)

16 <210> SEQ ID NO: 1
 17 <211> LENGTH: 24
 18 <212> TYPE: DNA
 19 <213> ORGANISM: Oligonucleotide for amplification of urease B gene **INVALID Response**
 21 <400> SEQUENCE: 1
 22 atcctagaat gaaaaagatt agca **mandatory, <213> Responses have to be artificial/unknown.**
 25 <210> SEQ ID NO: 2
 26 <211> LENGTH: 24
 27 <212> TYPE: DNA
 28 <213> ORGANISM: Oligonucleotide for amplification of urease B gene **INVALID Response**
 30 <400> SEQUENCE: 2
 31 gagctcctag aaaatgctaa agag **mandatory, <213> Responses have to be artificial/unknown**
 34 <210> SEQ ID NO: 3
 35 <211> LENGTH: 25
 36 <212> TYPE: DNA
 37 <213> ORGANISM: Oligonucleotide for amplification of tissue plasminogen activator
 39 <400> SEQUENCE: 3
 40 aatctagaca tggatgcaat gaaga **25 Same error**
 43 <210> SEQ ID NO: 4
 44 <211> LENGTH: 26
 45 <212> TYPE: DNA
 46 <213> ORGANISM: Oligonucleotide for amplification of tissue plasminogen activator
 48 <400> SEQUENCE: 4
 49 atgatctctg gtcacggctg catggt **26 Same error**
 52 <210> SEQ ID NO: 5
 53 <211> LENGTH: 1710
 54 <212> TYPE: DNA
 55 <213> ORGANISM: Helicobacter pylori
 57 <400> SEQUENCE: 5
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 60 gtgagattgg gcgatacaga cttgatcgct gaagtagaac atgactacac catttatggc 120
 62 gaagagctta aattcggcgg tggtaaaacc ctaagagaag gcatgagcca atctaacaac 180
 64 cctagcaaag aagaactgga tctaatacct actaacgctt taatcgtgga ttacaccggt 240
 66 atttataaag cggatattgg tattaaagat ggcaaaatcg ctggcattgg taaaggcggt 300

↑ pls see item # 10
 On error summary sheet.

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DATE: 07/08/2004

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Input Set : A:\sequence-PARK.ST25.txt

Output Set: N:\CRF4\07082004\J500447.raw

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72 tccccccaac aaatccctac agcttttgca agcgggtgta caacgatgat tgggtggcgga 480
74 actggccctg ctgatggcac taacgcaacc actatcactc caggtagaag aaatttaaaa 540
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84 actatggcag ccattgcccg acgcactatg cacactttcc aactgaagg cgctggtggc 840
86 ggacacgctc ctgatattat taaagtagct ggtgaacaca acattctgcc cgcttccact 900
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127 ctgtgtggag cagtcttcgt ttcgcccagc caggaaatcc atgcccgaat cagaagagga 180
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133 ggcagggcac agtgccactc agtgccctgc aaaagttgca gcgagccaag gtgtttcaac 360
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137 tttgctggga agtgctgtga aatagatacc agggccacgt gctacgagga ccagggcatc 480
139 agctacaggg gcacgtggag cacagcggag agtggcgcg agtgaccaa ctggaacagc 540
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161 tctgcccgc actgcttcca ggagaggttt ccgcccacc acctgacggt gatcttgggc 1200

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/500,447

DATE: 07/08/2004

TIME: 15:49:04

Input Set : A:\sequence-PARK.ST25.txt

Output Set: N:\CRF4\07082004\J500447.raw

163	agaacatacc	gggtggtccc	tggcgaggag	gagcagaaat	ttgaagtcga	aaaatacatt	1260
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167	tccgattcgt	cccgtgtgc	ccaggagagc	agcgtggtcc	gcactgtgtg	ccttcccccg	1380
169	gcggacctgc	agctgccgga	ctggacggag	tgtgagctct	ccggctacgg	caagcatgag	1440
171	gccttgtctc	ctttctattc	ggagcggctg	aaggaggctc	atgtcagact	gtacccatcc	1500
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179	ggcctgggct	gtggacagaa	ggatgtccc	ggtgtgtaca	ccaaggttac	caactaccta	1740
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183	gagatcccgc	ctcttcttct	tcagaagaca	ctgcaaaggc	gcagtgtctc	tctacagact	1860
185	tctccagacc	caccacaccg	cagaagcggg	acgagaccct	acaggagagg	gaagagtgca	1920
187	ttttcccgaga	tacttcccat	tttggaagtt	ttcaggactt	ggtctgattt	caggatactc	1980
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191	gaaagtggcc	atgccaccct	gttttcagct	aaagcccaac	ctcctgacct	gtcaccgtga	2100
193	gcagcttttg	aaacaggacc	acaaaaatga	aagcatgtct	caatagtaaa	agataacaag	2160
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VERIFICATION SUMMARY

PATENT APPLICATION: US/10/500,447

DATE: 07/08/2004

TIME: 15:49:05

Input Set : A:\sequence-PARK.ST25.txt

Output Set: N:\CRF4\07082004\J500447.raw

L:9 M:270 C: Current Application Number differs, Replaced Current Application No

L:9 M:271 C: Current Filing Date differs, Replaced Current Filing Date